

**REMARKS**

Reconsideration of the present application is respectfully requested.

New claim 35 has been added. Support for this claim is found in the specification at paragraph [0050] of the published application. Therefore, Claims 1-5, 7-10, 12, 16, 19, 20, 22, 33, and 35 are pending. No new matter is added by way of the addition of new claim 35.

Applicants further submit amendments to the specification, specifically to paragraph [0050] of the published application. Applicants correct the spelling of the following three terms:

- ~~myristyl~~ myristyl ether (PPG-3)
- hydroxylated milk ~~glycerdes~~ glycerides (Cremerol HMG)
- ~~chitosn~~ chitosan (Kytamer)

Applicants submit that these amendments serve to correct the spelling of the terms, which are known in the art. Support for these spelling corrections is found in the attached Exhibits A (myristyl), B (glycerids), and C (chitosan). No new matter is added by way of these corrections.

In view of the above remarks, it is respectfully requested that the application be allowed and passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,  
BAKER BOTTS L.L.P.



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Dated: January 29, 2010

## **EXHIBIT A**

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# **International Cosmetic Ingredient Dictionary and Handbook**

**Eleventh Edition  
2006**

**Editors**  
Tara E. Gottschalck  
G. N. McEwen, Jr., Ph.D., J.D.

## **Volume 2**

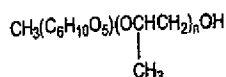
*Published by*  
**The Cosmetic, Toiletry, and Fragrance Association**  
1101 17th Street, NW, Suite 300  
Washington, D.C. 20036-4702

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**JPN Translation:**

PPG-25 メチルグルコース

**Definition:** PPG-25 Methyl Glucose Ether is the polypropylene glycol ether of methyl glucose that conforms generally to the formula:



where n has an average value of 25.

**Information Source:** JCLS**Chemical Classes:** Alkoxyated Alcohols; Carbohydrates**Functions:** Hair Conditioning Agent; Skin-Conditioning Agent - Miscellaneous**Ingredient Source:** Synthetic**Technical/Other Name:**

Polyoxypropylene (25) Methyl Glycoside Ether

**PPG-20 METHYL GLUCOSE ETHER ACETATE****CTFA Monograph ID:** 2591**CN Translation:**

PPG-40 甲基葡萄糖乙酸酯

**Definition:** PPG-20 Methyl Glucose Ether Acetate is the ester of PPG-20 Methyl Glucose Ether (q.v.) and acetic acid.

**Chemical Classes:** Alkoxyated Alcohols; Carbohydrates; Esters**Function:** Skin-Conditioning Agent - Miscellaneous**Ingredient Source:** Synthetic**PPG-20 METHYL GLUCOSE ETHER DISTEARATE****CTFA Monograph ID:** 4172**JPN Translation:**

ステアリン酸 PPG-20 メチルグルコース

**CN Translation:**

PPG-20 甲基葡萄糖二硬脂酸酯

**Definition:** PPG-20 Methyl Glucose Ether Distearate is the diester of PPG-20 Methyl Glucose Ether (q.v.) and stearic acid.

**Information Sources:** JCIC, JCLS**Chemical Classes:** Alkoxyated Alcohols; Carbohydrates; Esters**Function:** Skin-Conditioning Agent - Emollient**Ingredient Sources:** Animal; Plant; Synthetic

**Reported Product Categories:** Moisturizing Preparations; Eyeliners; Indoor Tanning Preparations

**Technical/Other Name:**

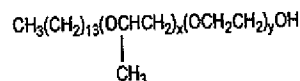
Polyoxypropylene Methyl Glucoside Distearate

**PPG-3-MYRETH-3****CTFA Monograph ID:** 2592**CAS No.:** 37311-04-9 (Generic)**CN Translation:**

PPG-3-肉豆蔻醇聚醚-3

**Empirical Formula:**C<sub>29</sub>H<sub>60</sub>O<sub>7</sub>

**Definition:** PPG-3-Myreth-3 is the polyoxypropylene, polyoxyethylene ether of myristyl alcohol that conforms generally to the formula:



where x has an average value of 3 and y has an average value of 3.

**Information Source:** TSCA**Chemical Class:** Alkoxyated Alcohols**Functions:** Skin-Conditioning Agent - Emollient; Surfactant - Emulsifying Agent**Ingredient Sources:** Plant; Synthetic**Technical/Other Names:**

Polyoxyethylene (3) Polyoxypropylene (3)

Myristyl Ether

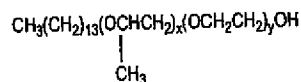
Polyoxypropylene (3) Polyoxyethylene (3)

Myristyl Ether

**PPG-3-MYRETH-11****CTFA Monograph ID:** 2593**CAS No.:** 37311-04-9 (Generic)**CN Translation:**

PPG-3-肉豆蔻醇聚醚-11

**Definition:** PPG-3-Myreth-11 is the polyoxypropylene, polyoxyethylene ether of myristyl alcohol that conforms generally to the formula:



where x has an average value of 3 and y has an average value of 11.

**Information Source:** TSCA**Chemical Class:** Alkoxyated Alcohols**Function:** Surfactant - Emulsifying Agent**Ingredient Sources:** Plant; Synthetic**Technical/Other Names:**

Polyoxyethylene (11) Polyoxypropylene (3)

Myristyl Ether

Polyoxypropylene (3) Polyoxyethylene (11)

Myristyl Ether

**PPG-3 MYRISTYL ETHER****CTFA Monograph ID:** 2596**CAS Nos.:** 63793-60-2 (Generic); 74790-85-5**JPN Translation:**

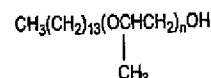
PPG-3 ミリスチル

**CN Translation:**

PPG-3 肉豆蔻基醚

**Empirical Formula:**C<sub>23</sub>H<sub>48</sub>O<sub>4</sub>

**Definition:** PPG-3 Myristyl Ether is the polypropylene glycol ether of myristyl alcohol that conforms to the formula:



where n has an average value of 3.

**Information Sources:** JCIC, JCLS, TSCA**Chemical Class:** Alkoxyated Alcohols**Function:** Skin-Conditioning Agent - Emollient**Ingredient Sources:** Plant; Synthetic

**Reported Product Categories:** Deodorants (Underarm); Colognes and Toilet Waters; Personal Cleanliness Products, Misc.

**Technical/Other Names:**

Polyoxypropylene (3) Myristyl Ether

Polyoxypropylene Myristylether (3P.O.)

Polypropylene Glycol (3) Myristyl Ether

Tripropylene Glycol Myristyl Ether

**Trade Names:**

Acconon MA 3 (Abitec Corporation)

Jeecol PMA-3 (Jellice Co. LTD)

Procol PMA-3 (Protameen)

Promyristyl PM3 (Croda Chemicals)

Promyristyl PM-3 (Croda, Inc.)

Varonic APM (Degussa Care Specialties)

**Trade Name Mixtures:**

Dow Corning 2-8178 Gellant (Dow

Corning)

Varisoft Clear (Degussa Care Specialties)

**PPG-4 MYRISTYL ETHER****CTFA Monograph ID:** 2597

The inclusion of any compound in the *Dictionary and Handbook* does not indicate that use of that substance as a cosmetic ingredient complies with the laws and regulations governing such use in the United States or any other country.

## **EXHIBIT B**

**FULL PUBLIC REPORT****Hydroxylated Milk Glycerides****1. APPLICANT**

Bronson and Jacobs Pty. Ltd. Parkview Drive, Australia Centre, Homebush, NSW, 2140 has submitted a standard notification statement in support of their application for an assessment certificate for hydroxylated milk glycerides.

**2. IDENTITY OF THE CHEMICAL**

Based on the nature of the chemical and the data provided, hydroxylated milk glycerides, is not considered to be hazardous.

<b>Chemical name:</b>	Hydroxylated milk glycerides
<b>Chemical Abstracts Service (CAS) registry number:</b>	144635-07-4
<b>Other name:</b>	Hydroxylated glycerides
<b>Trade name:</b>	Cremerol HMG
<b>Molecular formula:</b>	The glyceride is a combination of short, medium and long chain fatty acids. The vast majority are long chain fatty acids, with carbon lengths of 16 (palmitic) and 18 (stearic) being the most abundant.
<b>Structural formula: (General structure)</b>	$  \begin{array}{c}  \text{O} \\  \parallel \\  \text{CH}_2\text{OCO}(\text{CH}_2)_x\text{CH}_3 \\  \parallel \quad \parallel \\  \text{CHO} \quad \text{CO}(\text{CH}_2)_y\text{CH}_3 \\  \parallel \quad \parallel \\  \text{CH}_2\text{OC}(\text{CH}_2)_z\text{CH}_3  \end{array}  $
<b>Molecular weight:</b>	A complex mixture with a range of molecular weights. The EPA has calculated the molecular weights of palmitic (x,y,z= 14) and stearic (x,y,z= 16) to be 807 and 891 respectively.

File No: NA/329

Date: 12th January 1996

**NATIONAL INDUSTRIAL CHEMICALS NOTIFICATION  
AND ASSESSMENT SCHEME**

**FULL PUBLIC REPORT**

**Hydroxylated Milk Glycerides**

This Assessment has been compiled in accordance with the provisions of the *Industrial Chemicals (Notification and Assessment) Act 1989*, and Regulations. This legislation is an Act of the Commonwealth of Australia. The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) is administered by Worksafe Australia which also conducts the occupational health & safety assessment. The assessment of environmental hazard is conducted by the Department of the Environment, Sport, and Territories and the assessment of public health is conducted by the Department of Human Services and Health.

For the purposes of subsection 78(1) of the Act, copies of this full public report may be inspected by the public at the Library, Worksafe Australia, 92-94 Parramatta Road, Camperdown NSW 2050, between the hours of 10.00 a.m. and 12.00 noon and 2.00 p.m. and 4.00 p.m. each week day except on public holidays.

For Enquiries please contact the Administration Coordinator at:

*Street Address:* 92 Parramatta Rd Camperdown, NSW 2050, AUSTRALIA

*Postal Address:* GPO Box 58, Sydney 2001, AUSTRALIA

*Telephone:* (61) (02) 565-9466 **FAX (61) (02) 565-9465**

Director  
Chemicals Notification and Assessment

## **EXHIBIT C**

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## Products Functional Overview

### KYTAMER™ PC

INCI Name: Chitosan PCA

#### Selected Physical Properties

1% aqueous solution viscosity: 100-300 cPs

pH of 1% aqueous solution: 3.5 – 5.5

#### Functional Contributions

- Substantive moisturizing fixative for hair care products
- Intensifies moisture content and improves manageability of hair
- Produces strong, flexible films
- Humectant
- Provides a smooth appearance to hair

[Resources](#)  
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Site Navigation:



[Amerchol: Products Functional Overview: KYTAMER™ PC](#)

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